

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MAY 16, 2012

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

CHARLES KING,

Plaintiff,

v.

FLINN & DREFFEIN ENGINEERING
CO.,

Defendant.

Case No. 7:09-cv-00410

ORDER

By: James C. Turk
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, the Defendant's Partial Motion to Dismiss (ECF No. 119) is **GRANTED in part and DENIED in part**. To the extent that the Plaintiff's Second Amended Complaint alleges that the Defendant breached a post-sale duty to retrofit, those claims are **DISMISSED**.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

IT IS SO ORDERED.

ENTER: This 16th day of May, 2012.

James C. Turk

Senior United States District Judge